# 3.9 Sanitary Sewer

## **GOAL 901**

Monroe County shall provide for the adequate, economically sound collection, treatment, and disposal of sewage which meets the needs of present and future residents while ensuring the protection of public health, and the maintenance and protection of ground, nearshore, and offshore water quality. [9J-5.011(2)(a)]

## Objective 901.1

Monroe County shall ensure that, at the time a development permit is issued, adequate sanitary wastewater treatment and disposal facilities, including wastewater treatment facilities and onsite sewage treatment and disposal systems, are available to support the development at the adopted level of service standards, concurrent with the impacts of such development. [9J-5.011(2)(b)1 and 2]

## **Policy 901.1.1**

Monroe County shall ensure that at a time a development permit is issued, adequate sanitary wastewater treatment and disposal facilities are available to support the development at the adopted level of service standards, concurrent with the impacts of such development. [9J-5.011(2)(c)2]

### Permanent Level of Service Standards

- (A) The permanent level of service standards for wastewater treatment in Monroe County are as provided in House Bill 1993 adopted by the 1999 Legislature.
- (B) The County and the State shall actively engage in an educational program to reduce demand for phosphate products.
- (C) The County shall require mandatory pump-out of septic tanks and require regular reports from qualified contractors to ensure proper septage disposal.

### **Policy 901.1.2**

By January 4, 1997, Monroe County shall adopt Land Development Regulations which provide a Concurrency Management System (see Capital Improvements Policy 1401.4.5). The Concurrency Management System shall ensure that no permits will be issued for new development unless adequate sanitary wastewater treatment and disposal facilities needed to support the development at the adopted level of service standards are available concurrent with the impacts of development. [9J-5.011(2)(c)2]

## **Policy 901.1.3**

All improvements for replacement, expansion, or increase in capacity of sanitary wastewater treatment and disposal facilities shall be compatible with the adopted level of service standards for the facilities. [9J-5.011(2)(b)1]

## **Policy 901.1.4**

Issuance of development permits shall be contingent upon the submission of permits demonstrating compliance with applicable federal, state, and local permit regulations for wastewater treatment and disposal facilities. [9J-5.011(2)(c)]

## **Policy 901.1.5**

By January 4, 1997, Monroe County shall adopt Land Development Regulations which establish a Permit Allocation and Point System for new residential and non-residential development (see Future Land Use Objectives 101.2, 101.3, and 101.5 and supporting policies). In developing the Point System, Monroe County shall consider assigning a positive point rating to developments which utilize wastewater treatment and disposal systems operating above the adopted level of service standards. [9J-5.011(2)(c)1]

## **Policy 901.1.6**

By January 4, 1998, Monroe County shall adopt permanent level of service standards for package treatment plants and OSDS based on the findings of the Sanitary Wastewater Master Plan and shall amend the Land Development Regulations to include these standards. [9J-5.011(2)(c)2]

#### **Policy 901.1.7**

By January 4, 1997, Monroe County, through the Department of Environmental Management, shall complete preliminary engineering for a sludge, septage and/or leachate treatment and disposal facility on Crawl Key. [9J-5.011(2)(c)1]

## **Policy 901.1.8**

By January 4, 1998, Monroe County, through the Department of Environmental Management, shall construct a sludge, septage, and/or leachate treatment and disposal facility on Crawl Key. [9J-5.011(2)(c)1]

## Objective 901.2

Monroe County, in conjunction with HRS, shall correct existing facility deficiencies by requiring the elimination of cesspools and the improvement of failing septic tanks and package treatment plants as necessary to meet state and county standards.

## **Policy 901.2.1**

By the effective date of this Plan, HRS, in coordination with Monroe County and possibly private service providers, shall develop and initiate an inspection/compliance program for On-Site Disposal Systems (OSDS). The inspection/compliance program will correct facility deficiencies in two phases. Phase I shall address illegal OSDS (cesspools and unpermitted septic tanks.) Phase II shall address the ongoing inspection of legally permitted OSDS. An OSDS shall be considered deficient if it does not meet or exceed the level of service standards set forth in Policy 901.1.1, or does not meet the applicable state standards set forth in Rules 10D-6 and 17-600, F.A.C. [9J-5.011(2)(c)1]

### **Policy 901.2.2**

Monroe County shall develop and implement siting and discharge regulations, fee requirements, and enforcement provisions designed to reduce pollutant discharges into surface waters from moored/anchored vessels (liveaboards) in nearshore waters. (See Conservation and Coastal Management Objective 202.4 and supporting policies.) [9J-5.011(2)(c)1]

#### **Policy 901.2.3**

By the effective date of this Plan, Monroe County shall enter into an interlocal agreement with HRS to specify the responsibilities and procedures for the OSDS inspection/compliance program.

## **Policy 901.2.4**

By the effective date of this Plan, Monroe County shall adopt an ordinance which specifies the implementation procedures for the OSDS inspection/compliance program. The

ordinance shall include authorization for HRS to inspect wastewater treatment systems on private property in the interest of public health, safety and welfare.

## **Policy 901.2.5**

Within two years of the initiation of Phase I, HRS shall complete Phase I of the OSDS inspection/compliance program. In this phase, HRS, in coordination with Monroe County, shall:

- 1. identify cesspools;
- 2. require the replacement of cesspools with permitted wastewater treatment systems;
- 3. require the abandonment of cesspools, using a method approved by HRS, to prevent further use;
- 4. identify septic tank systems suspected of being illegal or substandard;
- 5. inspect septic tank systems suspected of being illegal or substandard for compliance with current state and county regulations;
- 6. require the upgrading and/or replacement of substandard, unpermitted OSDS with wastewater treatment systems that meet current state and county regulations; and
- 7. initiate enforcement action on all illegal OSDS systems.

#### **Policy 901.2.6**

By January 4, 1998 HRS shall initiate Phase II of the OSDS inspection/compliance program. In this phase, HRS, in coordination with Monroe County, shall:

- 1. inspect all permitted OSDS, beginning with septic tanks which are over three years old:
- 2. require inoperative or deficient systems to come into compliance with appropriate state and local regulations;
- 3. issue operating permits for systems which are in compliance with appropriate state and local regulations;
- 4. require the inspection and renewal of operating permits for septic tanks every five years; and
- 5. require the inspection and renewal of operating permits for aerobic treatment units as required by state law.

### **Policy 901.2.7**

Property owners shall be required to have septic tanks pumped out by a licensed service provider at the time of each inspection.

## **Policy 901.2.8**

OSDS which are identified as deficient in Phase I or II of the inspection/compliance program shall be required to upgrade their sewage system to meet HRS and County regulations within 180 days of notification of the violation. The variance procedure specified in Rule 10D-6.045, F.A.C. shall be available for those property owners who cannot meet current state and local OSDS requirements.

### **Policy 901.2.9**

Program costs of Phase I of the inspection/compliance program may be funded through federal and state sources. Program costs of Phase II shall be funded by a special assessment through the Municipal Service District special taxing district. The property owner shall be responsible for funding the replacement and/or improvement of illegal systems and the repair of inoperative systems.

## Objective 901.3

By January 4, 1997, Monroe County, through adoption of Land Development Regulations including a Permit Allocation System for new residential and non-residential development, shall ensure the maximum use of existing wastewater treatment facilities to discourage the proliferation of urban sprawl. [9J-5.011(2)(b)3]

### **Policy 901.3.1**

By January 4, 1997, Monroe County shall adopt Land Development Regulations which establish a Permit Allocation and Point System for new residential and non-residential development (see Future Land Use Objectives 101.2, 101.3, and 101.5 and supporting policies). In developing the Point System, Monroe County shall consider assigning a positive point rating to developments which connect to existing wastewater treatment facilities, utilize a water reuse system, and meet or exceed adopted level of service standards. [9J-5.011(2)(c)1]

### **Policy 901.3.2**

The priorities for the extension and replacement of wastewater collection, treatment and disposal facilities shall be based upon the following priority level guidelines:

**Level One -** Whether the project is needed to protect public health and water quality, provide facilities and services, or to preserve or achieve full use of existing facilities.

**Level Two -** Whether the project increases efficiency of use of existing facilities, prevents or reduces future improvement costs, provides service to developed areas lacking full service or promotes infill development.

**Level Three** - Whether the project represents a logical extension of facilities and services within a designated service area. [9J-5.011(2)(c)2]

## **Policy 901.3.3**

Monroe County shall maintain a five-year schedule of capital needs for wastewater treatment and disposal as part of the County Capital Improvements Program. This program shall be updated annually consistent with Capital Improvements Policy 1401.1.2

and in conjunction with the County's annual budget process to ensure economic feasibility. [9J-5.011(2)(c)1]

## Objective 901.4

By December 31, 1998, Monroe County shall prepare a Sanitary Wastewater Master Plan to determine the required levels of service and type of treatment for all developed and undeveloped areas in Monroe County with the intent to establish more stringent nutrient limiting standards based on the best available data and analysis of the maximum loads that can be tolerated by the county's nutrient sensitive waters and ecosystems without short or long term adverse impacts, as necessary to prevent degradation and ensure improvement of ground, confined, nearshore and offshore waters to levels that are demonstrated to support healthy, diverse, and productive populations of fish and other marine resources. The interim levels of service for sanitary sewer shall be superseded as relevant components of the Master Plan are adopted. [9J-5.011(2)(b)1 and 2, 9J-5.013(2)(c)1, 9J-5.013(2)(b)2, 9J-5.013(2)(c)1,5, and 6, 9J-5.015(3)(b)1, 9J-5.016(4)(a)]

## **Policy 901.4.1**

By the effective date of the plan, Monroe County shall determine who will participate in the preparation of a Sanitary Wastewater Master Plan. The County shall coordinate with the Florida Keys Aqueduct Authority (FKAA), the State of Florida Departments of Environmental Regulation (DER) and Health and Rehabilitative Services (HRS) and the United States Environmental Protection Agency (EPA) at a minimum concerning joint preparation and funding of the Master Plan. [9J-5.011(2)(c)1]

### **Policy 901.4.2**

By January 4, 1997, Monroe County shall amend the Building Code to require notification of property owners issued building permits that hook up to central sewer facilities will be required within one year should such facilities become available or be required as part of changes in state law or in LOS. [9J-5.011(2)(c)1]

### **Policy 901.4.3**

By January 4, 1997, Monroe County shall initiate a program of testing alternative OSDS systems under actual operating conditions in order to ascertain the feasibility of widespread application of such systems with nutrient removal capabilities higher than standard septic systems. [9J-5.011(2)(c)1]

## **Policy 901.4.4**

By the effective date of this Plan, Monroe County shall enter into an agreement with EPA, DER, SFWMD and NOAA regarding the scope of studies required to document pollutant loads from OSDS, cesspits, package treatment plants, and other point and non-point sources on the Florida Keys into surrounding waters. These studies shall be executed according to the terms of the agreement, in coordination with the Water Quality Protection Program for the Florida Keys National Marine Sanctuary. Upon execution of this agreement, the scope of the Sanitary Wastewater Master Plan shall be adjusted accordingly. (See Conservation and Coastal Management Policy 202.1.1.) [9J-5.011(2)(c)1]

## **Policy 901.4.5**

By January 4, 1998, Monroe County shall adopt Land Development Regulations which establish density criteria for OSDS based on site specific constraints and prescribe the types of systems to be utilized based upon the results of the Sanitary Wastewater Master Plan. [9J-5.011(2)(c)1]

#### **Policy 901.4.6**

Upon adoption of the Sanitary Wastewater Master Plan by January 4, 1998, the minimal operational standards for package plants, collection systems, pump stations, and disposal wells shall be those contained in the adopted Master Plan. [9J-5.011(2)(c)2]

## **Policy 901.4.7**

As part of the Sanitary Wastewater Master Plan, an inventory of all wastewater treatment plants and OSDS areas shall be completed which identifies:

- 1. the entity having operational responsibility;
- 2. current rated plant capacity;
- 3. existing treatment status (number and type of hookups);
- 4. all future committed capacity (number and type of hookups);
- 5. all facilities which fall below level of service standards identified in the Master Plan;
- 6. costs associated with improving those facilities to meet minimum level of service standards;
- 7. funding sources and construction schedules for those improvements; and
- 8. average and peak flow design capacity for sanitary sewer facilities. [9J-5.011(2)(c)2a]

### **Policy 901.4.8**

Upon adoption of the Sanitary Wastewater Master Plan, the County shall seek legislative action to amend the Florida Administrative Code Chapter 10D-6 to require HRS to administer and enforce the adopted standard for wastewater treatment. [9J-5.011(2)(c)1]

### **Policy 901.4.9**

In the event Central Sewer Service becomes available (as defined by Chapter 10D-6) to areas served by OSDS, owners of OSDS within such areas shall have 365 days to connect to the central system. [9J-5.011(2)(c)1]

#### **Policy 901.4.10**

In coordination with FKAA, DER, EPA, NOAA, or other appropriate agencies, Monroe County shall prepare and distribute annual reports indicating the status of the Sanitary Wastewater Master Plan. [9J-5.011(2)(c)1]

## Objective 901.5

Monroe County shall regulate land use and development to conserve potable water, and protect the functions of natural drainage features and groundwater from the impacts of sewer systems. [9J-5.011(2)(c)4]

## **Policy 901.5.1**

By January 4, 1997, in conjunction with the development of the Sanitary Wastewater Master Plan, the County shall initiate an interlocal agreement with the DER and other state and federal agencies to develop a water quality monitoring program. The program shall identify and analyze the individual and cumulative impacts of development, especially wastewater treatment systems, and establish remedial actions to correct identified deficiencies which degrade nearshore water quality. Monroe County shall consider and utilize to the furthest extent possible, the management plan being developed by NOAA under the direction of DER and EPA. All monitoring procedures shall be approved by the DER and EPA for compliance with Quality Assurance requirements (F.A.C., 17-160 and 40 CFR Part 136), to ensure that proper quality control guidelines are followed during data collection and reporting. [9J-5.011(2)(c)1]

## **Policy 901.5.2**

By January 4, 1998, the existing and/or available results of the comprehensive water quality monitoring program shall be analyzed and reported to document specific problem areas which may be in violation of federal or state standards or which may be defined through scientific study, as a threat to the continued maintenance of high levels of water quality or to specified biotic communities. Upon confirmation of any problem areas, priorities for the construction of alternate wastewater facilities shall be reevaluated, within the context of the Monroe County Sanitary Wastewater Master Plan, with those areas in greatest need given highest priority. [9J-5.011(2)(c)1]

#### Policy 901.5.3

By January 4, 1998, or upon availability of the conclusions of the Sanitary Wastewater Master Plan related to threshold designations and minimum performance standards for OSDS, Monroe County, in cooperation with the appropriate state and federal agencies, shall adopt and incorporate into the Monroe County Land Development Regulations threshold designation criteria and minimum performance standards which further the protection of water quality. Concurrently, the County, in cooperation with State agencies, shall process a Comprehensive Plan amendment to incorporate these criteria and standards into the County's level of service (LOS) standards. [9J-5.011(2)(c)2]

### **Policy 901.5.4**

By January 4, 1997, Monroe County shall adopt Land Development Regulations which ensure that sewage disposal facilities shall be designed and located in a manner that in the event of power failure, untreated effluent will not be discharged into any surface body of water, groundwater or any wetland. [9J-5.011(2)(c)1]

### **Policy 901.5.5**

By January 4, 1997, Monroe County, in cooperation with the appropriate State permitting agencies, shall adopt Land Development Regulations which ensure that sewage disposal facilities are sited such that any discharge point, whether by shallow or deep well, is located as far as possible from any surface body of water and any FKAA Aquifer Storage

Recovery area while still adhering to other setback requirement established by Chapter 10D-6, F.A.C. [9J-5.011(2)(c)1]

## **Policy 901.5.6**

By January 4, 1997, Monroe County shall adopt Land Development Regulations which require that OSDS drainfields be located on the least environmentally sensitive portion of a parcel proposed for development when more than one habitat type is found within the parcel, the criteria for which shall be defined within the adopted Land Development Regulations.

#### **Policy 901.5.7**

Pending the completion and implementation of the ADID or other similar functional analysis, Monroe County shall prohibit the use of OSDS in buttonwood, salt marsh or wetland area and require the provision of a buffer between OSDS and wetlands. Following the completion of the ADID or other similar revised functional analysis, but no later than January 4, 1999, Monroe County shall determine whether OSDS may be used in disturbed wetlands based on functional assessment and shall adopt Land Development Regulations to further implement this policy.

## **Policy 901.5.8**

Monroe County shall ensure that wastewater treatment facilities are designed and constructed in accordance with the adopted levels of service, so as to limit the discharge or introduction of pollutants into nearshore waters. [9J-5.011(2)(c)2]

### **Policy 901.5.9**

By January 4, 1998, Monroe County, as part of the Sanitary Wastewater Master Plan shall continually investigate the potential for reuse/recycling of treated wastewater. The Master Plan shall set forth the requirements for the types and locations of developments which shall be required to utilize a water reuse system. [9J-5.011(2)(c)1]

## **Policy 901.5.10**

Monroe County, in conjunction with appropriate federal, state and regional agencies, shall continue to minimize or eliminate the use of products which contain phosphorous in the County. [9J-5.011(2)(c)1]

#### Policy 901.5.11

By January 4, 1998, Monroe County, during the development of the Sanitary Wastewater Master Plan shall consider and evaluate advanced wastewater treatment as a first option for sewage treatment in the construction, expansion, or replacement of central sewer systems including package treatment. Monroe County shall require the consideration and evaluation of effluent reuse consistent with F.A.C. Rule 17-610 as a first option for effluent disposal. [9J-5.011(2)(c)2]

#### Policy 901.5.12

By January 4, 1998, all public and privately-owned upland areas shall be inventoried and evaluated to determine the feasibility of these lands for effluent reuse. [9J-5.011(2)(c)1]

## **Policy 901.5.13**

By January 4, 1997, Monroe County, in coordination with DER, shall begin to evaluate the use of hazardous household products including herbicides and pesticides to assess their impacts on sewer facilities and adjacent natural resources, and shall seek, through educational programs, to eliminate the use of any such products identified as creating adverse impacts. [9J-5.011(2)(c)1]

## **Policy 901.5.14**

Monroe County shall revise the Land Development Regulations to incorporate the conclusions and recommendations of the EPA's water quality protection program as those findings become available.

#### **Policy 901.5.15**

The Florida Department of Environmental Regulation and the HRS shall continue their inspection and monitoring program for sewage treatment plants, including package treatment plants. DER shall enforce current state regulations and require the timely improvement or replacement of those systems which do not comply with current regulations as specified in Rule 17-600 F.A.C.

### **Policy 901.5.16**

The following facility design and siting standards shall apply to sewage treatment plants:

- All new and expanding plants shall set the discharge point back from surface water a minimum of one hundred feet. This shall apply to plants utilizing either injection wells or drainfields.
- 2. All Class V injection wells (as defined by Florida Statutes and the Florida Administrative Code) shall be drilled to a minimum open hole of ninety feet in depth and cased and grouted to a minimum of sixty feet in depth.
- 3. All sewage plants except aerobic plants shall provide for wastewater reuse whenever feasible and in compliance with Rule 17-610, F.A.C.

## **Policy 901.5.17**

The minimum required setbacks for zoning districts, as specified in the Land Development Regulations, may be waived to accommodate wastewater treatment plant expansion where it can be demonstrated that:

- 1. the expansion is required to bring an existing plant up to current state and county standards or is required to resolve a violation of either of these standards; and
- 2. there is no other practical alternative such as construction of a new plant.

### **Policy 901.5.18**

All existing development shall connect to public treatment plants where available within one year of the date of plant start-up.